

# MEMORANDUM

MIAMI-DADE  
COUNTY

**Date:** February 5, 2008

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County  
Commissioners

**From:** George M. Burgess  
County Manager

Agenda Item No. 8(P)3(C)

**Subject:** Change Order for Arch Creek Estates Capital Improvement Drainage Project Phases 1, 2, and 3 - Project No. 693127Q (DERM); Contract No. 693127Q (DERM)

## Recommendation

The attached Retroactive Change Order No. 1 and Final on a contract between Southeastern Engineering Contractors, Inc. and Miami-Dade County has been prepared by the Public Works Department and is recommended for approval.

**CHANGE ORDER  
NUMBER:** 1 and Final

## Scope

**PROJECT NAME:** Arch Creek Estates Capital Improvement Drainage Project Phases 1, 2, and 3

**PROJECT NO:** 693127Q(DERM)

**CONTRACT NO:** 693127Q (DERM)

**PROJECT DESCRIPTION:**

The project is divided in three (3) phases; Phase one (1) consists of the installation of a pump station with an emergency generator, a wetland detention area and seven (7) 24-inch drainage wells. This phase will provide for the retention of the first inch of runoff prior to any discharge to Arch Creek. The excess runoff will be routed to the portion of Arch Creek that lies between NE 142nd Street and NE 143rd Street, which will be modified to a hydric pond for additional nutrient treatment. This process will enhance the flood protection level to the area bounded by West Dixie Highway to NE 18th Avenue and NE 143rd Street to NE 147th Street.

Phase two (2) consists of the installation of an additional pump station, six (6) 24-inch drainage wells and interconnection of

RECEIVED

2008 JAN -7 A 10 21

CAPITAL IMPROVEMENTS

existing and new drainage pipes that vary in diameter from 15 inches to 54 inches. This phase will release the water to phase 1 when the drainage wells have reached their maximum capacity. Phase 2 addresses flooding problems within the area of NE 12th Avenue to West Dixie Highway and from NE 144 Street to NE 149th Street.

Phase three (3) consists of the construction of a wet detention area in a lot immediately adjacent to Arch Creek to provide additional storage as well as additional water quality treatment in order to meet the current water quality standards.

It is the intent of this project to significantly reduce the Arch Creek's water quality problems by building a retrofit design of the existing stormwater drainage systems which will seek removal of 70% to 90% of the pollutant loading from stormwater runoff which discharges to Arch Creek and ultimately Biscayne Bay. This represents approximately two-thirds of the total pollutants loading to the headwaters of the Arch Creek.

<b>PROJECT LOCATION:</b>	NE 149th Street to the North, NE 18th Avenue to the East, NE 143rd Street to the South, NE 12th Avenue to the West
<b>PRIMARY COMMISSION DISTRICT:</b>	District 2      Dorrin D. Rolle
<b>APPROVAL PATH:</b>	Board of County Commissioners
<b>USING DEPARTMENT:</b>	Department of Environmental Resources Management
<b>MANAGING DEPARTMENT:</b>	Public Works Department

**Fiscal Impact / Funding Source**

<b>CHANGE ORDER FUNDING SOURCE:</b>	Stormwater Utility Funds
<b>PTP FUNDING:</b>	No
<b>GOB FUNDING:</b>	No
<b>CHANGE ORDER DESCRIPTION:</b>	Increase the contract amount by \$125,163.64 and extend contract time by 237 calendar days.

**MONETARY  
JUSTIFICATION:**

This Change Order One and Final increases the contract amount by \$125,163.64 to compensate the contractor for work performed that was not included in the contract but was necessary to optimize the overall function of the drainage system, including but not limited to extension of the project limits to provide a solution to an adjacent flooding site requested by the District Commissioner.

The contract amount increase in this Change Order represents 2.65% of the original contract amount.

**TIME JUSTIFICATION:**

This contract's Notice to Proceed had an effective date of May 19, 2003, and the contract time was 630 calendar days. The original contract expiration date was February 6, 2005. The revised contract expiration date, after approval of this Final Change Order, is October 1, 2005, when work under this contract was substantially complete.

This Change Order extends contract time by 237 calendar days, as follows:

- An extension of 36 calendar days is needed to allow for time incurred in survey plan verification and adjustment to site layout.
- An extension of 45 calendar days is needed to allow for time incurred in properly locating the tremie seal on Phase 1 Pump Station / Trash Rack structure, as required by additional structural calculations.
- An extension of 45 calendar days is needed to allow for time incurred in properly locating the tremie seal on Phase 2 Pump Station / Trash Rack structure, as required by additional structural calculations.
- An extension of 2 calendar days is needed due to a delay by the City of North Miami Beach in performing a building inspection after the contractor's on-time request.
- An extension of 30 calendar days is needed to allow for time incurred in the redesign of Overflow Structure No. 5 due to site conditions in the surrounding area.
- An extension of 13 calendar days is needed for the installation of pollution control devices consisting of temporary filter fabric, ballast rock and two additional turbidity barriers.
- An extension of 20 calendar days is needed due to delays caused by Hurricanes Charlie, Frances, Ivan and Jeanne in 2004.
- An extension of 3 calendar days is needed due to delays caused by Hurricane Katrina in 2005.
- An extension of 13 calendar days is needed due to a delay in the final inspection which in turn postponed the final power connection by Florida Power and Light from August 11, 2005, to August 24,

2005.

- An extension of 30 calendar day is needed due to owner requested additional drainage work.

This Change Order is retroactive because it is a Final Change Order and, as such, several issues needed resolution before the Public Works Department submits it for the consideration of the Board of County Commissioners. Among those issues are negotiations between the Public Works Department and the contractor that took place after the work was substantially complete, which defined the additional work and its associated costs; and the resolution of a possible claim involving one of this project's subcontractors.

	<u>Original Contract Values</u>	<u>Previous Adjustments To Values</u>	<u>This Change Order Values</u>	<u>Current Totals</u>	<u>Total Paid</u>	<u>Balance After Change Order</u>
<b>BASE:</b>	\$4,719,320.35	\$0.00	\$125,163.64	\$4,844,483.99	\$4,719,300.88	\$125,183.11
<b>CONTINGENCY:</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>DEDICATED:</b>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
<b>TOTALS:</b>	\$4,719,320.35	\$0.00	\$125,163.64	\$4,844,483.99	\$4,719,300.88	\$125,183.11

	<u>Original Contract Duration</u>	<u>Previous Adjustments To Duration</u>	<u>This Change Order Duration</u>	<u>Current Totals</u>
<b>BASE DURATION:</b>	630	0	237	867
<b>CONTINGENCY:</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL DURATION:</b>	630	0	237	867

#### INITIATING FACTOR(S) FOR CHANGE ORDER

<u>Reason</u>	<u>Cost</u>	<u>Duration</u>
County Requested Change	\$125,163.64	199
Unforeseen / Unforeseeable Change	<u>\$0.00</u>	38
Total:	\$125,163.64	

#### Track Record / Monitor

**PERFORMANCE RECORD:** The Public Works Department (PWD) has reviewed the Office of Capital Improvements (OCI) database for contractor's performance evaluation and found three (3) completed contracts listed. Two (2) contracts are with PWD and one (1) with the Department of Environmental Resources Management (DERM). The average of the 3 evaluations is 3.4 points out of a possible 4 (3 is satisfactory performance and 4 is superior performance).

**PRIME CONTRACTOR:** Southeastern Engineering Contractors, Inc.

**COMPANY PRINCIPAL:** Ed Dominguez

**COMPANY QUALIFIERS:** Ed Dominguez

**COMPANY EMAIL ADDRESS:** lou.sec@comcast.net

**COMPANY STREET ADDRESS:** 12054 N.W. 98 Avenue

**COMPANY CITY-STATE-ZIP:** Hialeah Gardens, Florida 33018

**YEARS IN BUSINESS AT TIME OF AWARD:** 20

**PREVIOUS EXPERIENCE WITH COUNTY IN THE LAST FIVE YEARS AT TIME OF AWARD:** Thirteen (13) contracts for an aggregate total of \$10,000,000.00

**SUBCONTRACTORS AND SUPPLIERS (SECTION 10-34 MIAMI DADE COUNTY CODE):** Circuit Masters and Ferguson Underground

**CONTRACT MANAGER NAME/PHONE/EMAIL:** Michael Moore (305) 375-2930 jmc1@miamidade.gov

**PROJECT MANAGER NAME/PHONE/EMAIL:** Pedro M. Marsan (305) 253-1710 MARSAN@miamidade.gov

### **Background**

**BACKGROUND:** The Arch Creek Estates drainage improvement project serves an area of approximately 86 acres. The project is bounded by NE 142 Street – NE 149 Street, between NE 12 Avenue and NE 18 Avenue. The area of the Arch Creek Basin was developed before the enactment of the Clean Water Act and the State of Florida surface water standards. Stormwater runoff from the area was one

of the major contributors adversely impacting the Creek's water quality. Moreover, the area was developed before the enactment of the National Flood Insurance Program (NFIP) and the Federal emergency Management Agency (FEMA) maps rendering some of the properties within the basin below flood criteria. The drainage system that existed within the area prior to the completion of improvements subject of this subject contract, was insufficient to provide adequate flood protection as mandated by current County standards. As a result, flooding problems occurred frequently.

Therefore, the Department of Environmental Resources Management (DERM) designed the subject drainage improvement project targeting both issues: water quantity (flooding) and water quality.

This is a complex project that included the installation of highly technical pump stations with a permanent emergency generator and a combination of solid pipes and drainage wells. This project required skilled workers to correctly build and install all the various elements of the project. On such a complex project it is common to make adjustments to the scope of work to address design omissions and errors, unforeseen circumstances, varying field conditions and owner-requested changes in the scope of work. The additional work performed and time extension that is subject of this Change Order was required to address errors in survey plans, various field conditions, the impact of weather on the worksite and owner-requested work to remedy drainage problems identified after completion of the project's design.

BUDGET APPROVAL  
FUNDS AVAILABLE:

*For*  
  
OSBM DIRECTOR

1-7-08  
DATE

APPROVED AS TO  
LEGAL SUFFICIENCY:

  
COUNTY ATTORNEY

1/3/08  
DATE

CAPITAL  
IMPROVEMENTS  
CONCURRENCE:

*For*  
  
OCI DIRECTOR

1/4/08  
DATE

  
ASSISTANT COUNTY  
MANAGER

1-8-08  
DATE

CLERK DATE

\_\_\_\_\_  
DATE

**MIAMI-DADE COUNTY, FLORIDA**  
**PUBLIC WORKS DEPARTMENT**  
**CHANGE ORDER TO ORIGINAL CONTRACT**



**CHANGE ORDER NO:** 1 and Final

**CONTRACT NO:** 693127Q (DERM)

**DATE:** 11/13/2006

**PROJECT TITLE:** Arch Creek Estates Capital Improvement Drainage Project Phases 1, 2, and 3

**TO CONTRACTOR:** Southeastern Engineering Contractors, Inc. 12054 N.W. 98 Avenue Hialeah Gardens, Florida 33018

YOU ARE HEREBY REQUESTED TO MAKE THE FOLLOWING CHANGES IN THE PLANS AND SPECIFICATIONS FOR THIS PROJECT AND TO PERFORM THE WORK ACCORDINGLY, SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

**Description of work authorized:** Increase the contract amount by \$125,163.64 and extend contract time by 237 calendar days.

**Monetary Justification:** This Change Order increases the contract amount by \$125,163.64 to compensate the contractor for work performed that was not included in the contract but was necessary to optimize the overall functioning of the drainage system, including but not limited to extension of the project limits to provide a solution to an adjacent flooding site requested by the District Commissioner.

**Time Justification:** This Change Order extends contract time by 237 calendar days, as follows:

- An extension of 36 calendar days is needed to allow for time incurred in survey plan verification and adjustment to site layout.
- An extension of 45 calendar days is needed to allow for time incurred in properly locating the tremie seal on Phase 1 Pump Station / Trash Rack structure, as required by addl (Continued below)

This change order includes not only all direct costs of contractor such as labor, material, job overhead, and profit markup; but also includes any costs for modifications or changes in sequence of work to be performed, delays, rescheduling, disruption, extended direct overhead or general overhead, acceleration, material or other escalation which include wages and other impact costs.

Contractor hereby waives, fully releases, discharges and acquits Miami-Dade County of any and all liability for claims, additional costs, and any requests for additional time arising out of the fulfillment of the contract and this change order from the date of the contract award to and including execution of this change order.

**SUMMARY OF CONTRACT AMOUNT / TIME**

ORIGINAL CONTRACT AMOUNT-----	\$4,719,320.35
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$4,719,320.35
COST OF CHANGES WITH THIS DOCUMENT-----	\$125,163.64
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$4,844,483.99
PERCENT INCREASE WITH THIS CHANGE-----	3%
TOTAL PERCENT INCREASE TO DATE-----	3%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	630 / 0 / 147
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	0 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	777 867

**CERTIFYING STATEMENT:** I hereby certify that the changes and supporting cost data included is, in my considered opinion, necessary and accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit of competitive bidding.

Approved: ENGINEER OR CONSULTING ENGINEER \_\_\_\_\_ Date: \_\_\_\_\_

Recommended By: PROJECT MANAGER \_\_\_\_\_ Date: \_\_\_\_\_

**TO BE FILLED OUT BY PUBLIC WORKS DEPARTMENT**

**FUNDS BUDGET CODE** CPE316379545

**CERTIFIED BY DEPARTMENT'S FINANCE DIVISION:** \_\_\_\_\_ Date: 11/27/07

Accepted By: Southeastern Engineering Contractors, Inc.

Accepted By: Surety

Contractor

Surety HARTFORD FIRE INSURANCE COMPANY

Ramon A Rodriguez Atty-in-fact & Fla Res Agent

12/1/06

Reviewed By: Chief, Construction Division

Approved By: Assistant Director

Approved By: Director

Approved By: DERM

Approved By: County Attorney

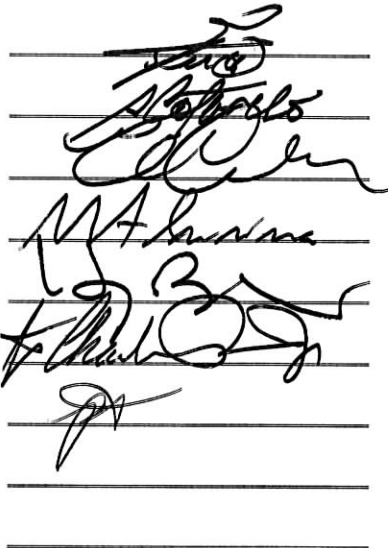
Approved By: Director, OSBM

Approved By: Director, DBD

Approved By: County Manager

Attested By: Clerk of the Board

FOR  
JCM



11/14/07

11/21/07

11/28/07

8/15/07

11/18/07

12/17/07

12/18/07

**Time Justification: (Continued)**

Additional structural calculations.

- An extension of 45 calendar days is needed to allow for time incurred in properly locating the tremie seal on Phase 2 Pump Station / Trash Rack structure, as required by additional structural calculations.
- An extension of 2 calendar days is needed due to a delay by the City of North Miami Beach in performing a building inspection after the contractor's on-time request.
- An extension of 30 calendar days is needed to allow for time incurred in the redesign of Overflow Structure No. 5 due to site conditions in the surrounding area.
- An extension of 13 calendar days is needed for the installation of pollution control devices consisting of temporary filter fabric, ballast rock and two additional turbidity barriers.
- An extension of 20 calendar days is needed due to delays caused by Hurricanes Charlie, Frances, Ivan and Jeanne in 2004.
- An extension of 3 calendar days is needed due to delays caused by Hurricane Katrina in 2005.
- An extension of 13 calendar days is needed due to a delay in the final inspection by Miami-Dade County's Building Department, which in turn postponed the final power connection by Florida Power and Light from August 11, 2005, to August 24, 2005.
- An extension of 30 calendar day is needed due to owner requested additional drainage work.

**Time Justification Declaration:**

A time extension is provided for additional work performed outside the scope of the original Contract that affects the critical path schedule of the contracted work or previously approved changes. Should additional work be required which does not affect the critical path schedule, no time extension will be granted. Should one item of additional work run concurrent with another item of additional work, only time not duplicated can be provided.

# POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-4

P.O. BOX 2103, 890 ASYLUM AVENUE  
HARTFORD, CONNECTICUT 06115

call: 888-266-3488 or fax: 860-757-5835)

Agency Code: 21 221533

KNOW ALL PERSONS BY THESE PRESENTS THAT:

- |                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut         |
| <input type="checkbox"/>            | Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana         |
| <input type="checkbox"/>            | Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut |
| <input type="checkbox"/>            | Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut |
| <input type="checkbox"/>            | Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana            |
| <input type="checkbox"/>            | Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois     |
| <input type="checkbox"/>            | Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana   |
| <input type="checkbox"/>            | Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida |

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of UNLIMITED** :

ERNESTO FREYRE, FAUSTO ALVAREZ, RAMON A. RODRIGUEZ, VICTOR M. PANTIN, CARL H. MOLL, CARLOS LACASA, WILLIAM E. BECKHAM, MARC D. JACOBSON, MICHAEL L. KEEBY, MAYRA RODRIGUEZ OF MIAMI, FLORIDA

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by ☒, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on July 21, 2003, the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*Paul A. Bergenholz*  
Paul A. Bergenholz, Assistant Secretary

*David T. Akers*  
David T. Akers, Assistant Vice President

STATE OF CONNECTICUT

COUNTY OF HARTFORD

ss. Hartford

On this 4th day of August, 2004, before me personally came David T. Akers, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hampden, Commonwealth of Massachusetts; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

*Scott E. Paseka*

Scott E. Paseka  
Notary Public

My Commission Expires October 31, 2007

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of December 1, 2006  
Signed and sealed at the City of Hartford.



*Gary W. Stumper*  
Gary W. Stumper, Assistant Vice President